

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Rochester)
CIVIL DOCKET FOR CASE #: 6:18-cv-06626-MWP

Animal Welfare Institute et al v. United States Department of
Agriculture et al
Assigned to: Hon. Marian W. Payson
Cause: 05:552 Freedom of Information Act

Date Filed: 08/23/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Animal Welfare Institute**

represented by **William N. Lawton**
Eubanks & Associates, LLC
1509 16th Street NW
Suite 607
Washington, DC 20036
Email: nick@eubankslegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**Farm Sanctuary**

represented by **William N. Lawton**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**United States Department of
Agriculture**

represented by **Michael S. Cerrone**
U.S. Attorney's Office
Federal Centre
138 Delaware Avenue
Buffalo, NY 14202
716-843-5851
Fax: 716-551-3196
Email: michael.cerrone@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Food Safety and Inspection Service**

represented by **Michael S. Cerrone**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/23/2018	<u>1</u>	COMPLAINT against All Defendants \$ 400 receipt number 0209-3197613, filed by Animal Welfare Institute, Farm Sanctuary. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Supplement Summons, # <u>3</u> Supplement Summons, # <u>4</u> Supplement Summons, # <u>5</u> Supplement Summons)(Lawton, William) (Entered: 08/23/2018)
08/24/2018		Case assigned to Hon. Lawrence J. Vilardo. Notification to Chambers of on-line civil case opening. (SG) (Entered: 08/24/2018)
08/24/2018		AUTOMATIC REFERRAL to Mediation The ADR Plan is available for download at http://www.nywd.uscourts.gov/alternative-dispute-resolution (SG) (Entered: 08/24/2018)

08/24/2018		Notice of Availability of Magistrate Judge: A United States Magistrate of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form (AO-85) is available for download at http://www.uscourts.gov/services-forms/forms . (SG) (Entered: 08/24/2018)
08/24/2018	<u>2</u>	Summons Issued as to Food Safety and Inspection Service, United States Department of Agriculture, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> summons issued, # <u>2</u> summons issued, # <u>3</u> summons issued)(SG) (Entered: 08/24/2018)
08/29/2018	3	<p style="text-align: center;">TEXT ORDER REASSIGNING CASE</p> <p>IT HEREBY IS ORDERED that this case is TRANSFERRED to the Rochester Division of the United States District Court for the Western District of New York.</p> <p>SO ORDERED.</p> <p>Issued by Hon. Lawrence J. Vilardo on 8/29/2018. (CMD)</p> <p>-CLERK TO FOLLOW UP- (Entered: 08/29/2018)</p>
09/11/2018	<u>4</u>	NOTICE of Appearance by Michael S. Cerrone on behalf of Food Safety and Inspection Service, United States Department of Agriculture (Cerrone, Michael) (Entered: 09/11/2018)
09/26/2018	<u>5</u>	MOTION to Dismiss by Food Safety and Inspection Service, United States Department of Agriculture.(Cerrone, Michael) (Entered: 09/26/2018)
09/26/2018	<u>6</u>	MEMORANDUM IN SUPPORT re <u>5</u> MOTION to Dismiss by Food Safety and Inspection Service, United States Department of Agriculture. (Cerrone, Michael) (Entered: 09/26/2018)
09/27/2018		NOTICE: Set/Reset Deadlines as to <u>5</u> MOTION to Dismiss. Responses due by 10/11/2018. Replies due by 10/18/2018. Motion will be submitted without oral argument on 10/25/2018 before Hon. Michael A. Telesca. No court appearances are required. (JMC) (Entered: 09/27/2018)
10/03/2018	<u>7</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>5</u> MOTION to Dismiss by Animal Welfare Institute, Farm Sanctuary. (Attachments: # <u>1</u> Text of Proposed Order)(Lawton, William) (Entered: 10/03/2018)
10/04/2018	<u>8</u>	ORDER granting <u>7</u> Motion for Extension of Time to File Response/Reply re <u>5</u> MOTION to Dismiss Responses due by 11/16/2018. Replies due by 12/31/2018.. Signed by Hon. Michael A. Telesca on 10/4/18. (JMC) (Entered: 10/04/2018)
10/04/2018		NOTICE: Set/Reset Deadlines as to <u>5</u> MOTION to Dismiss . Responses due by 11/16/2018. Replies due by 12/31/2018. Motion will be submitted without oral argument on 1/10/2019 before Hon. Michael A. Telesca. No court appearances are required. (JMC) (Entered: 10/04/2018)
11/16/2018	<u>9</u>	RESPONSE in Opposition re <u>5</u> MOTION to Dismiss filed by Animal Welfare Institute, Farm Sanctuary. (Lawton, William) (Entered: 11/16/2018)
12/27/2018	<u>10</u>	First MOTION for Extension of Time to File <i>Reply Brief</i> by Food Safety and Inspection Service, United States Department of Agriculture.(Cerrone, Michael) (Entered: 12/27/2018)
12/28/2018	11	TEXT ORDER granting motion to extend all current deadlines in this action commensurate with the duration of the lapse in appropriations for the Department of Justice. Motions terminated: <u>10</u> First MOTION for Extension of Time to File <i>Reply Brief</i> filed by Food Safety and Inspection Service, United States Department of Agriculture.. Signed by Hon. Michael A. Telesca on 12/28/18. (JMC) (Entered: 12/28/2018)
02/06/2019	<u>12</u>	REPLY/RESPONSE to re <u>9</u> Response in Opposition to Motion (<i>Reply Memorandum of Law</i>) filed by Food Safety and Inspection Service, United States Department of Agriculture. (Cerrone, Michael) (Entered: 02/06/2019)

02/07/2019		NOTICE: Set/Reset Deadlines as to <u>5</u> MOTION to Dismiss . Motion will be submitted without oral argument on 2/14/2019 before Hon. Michael A. Telesca. No court appearances are required. (JMC) (Entered: 02/07/2019)
02/15/2019	<u>13</u>	Minute Entry for proceedings held before Hon. Michael A. Telesca: Motion was submitted without oral argument on 2/14/2019 re <u>5</u> MOTION to Dismiss filed by Food Safety and Inspection Service, United States Department of Agriculture. (JMC) (Entered: 02/15/2019)
07/15/2019	<u>14</u>	ORDER denying <u>5</u> Defendants' Motion to Dismiss for failure to state a claim and for lack of subject matter jurisdiction. Defendants motion in the alternative for transfer of the case to the United States District Court for the District of Columbia is also denied. Signed by Hon. Michael A. Telesca on 7/15/19. (JMC) (Entered: 07/15/2019)
07/24/2019	<u>15</u>	STIPULATION <i>Extending Time to Answer</i> by Food Safety and Inspection Service, United States Department of Agriculture. (Cerrone, Michael) (Entered: 07/24/2019)
07/25/2019	<u>16</u>	STIPULATION AND ORDER extending time for defendants to answer the complaint until August 14, 2019. Signed by Hon. Michael A. Telesca on 7/25/19. (JMC) (Entered: 07/25/2019)
08/14/2019	<u>17</u>	ANSWER to <u>1</u> Complaint, by Food Safety and Inspection Service, United States Department of Agriculture.(Cerrone, Michael) (Entered: 08/14/2019)
08/15/2019		ADR Plan electronically forwarded to attorneys. The ADR Plan is available for download at http://www.nywd.uscourts.gov/alternative-dispute-resolution . (JHF) (Entered: 08/15/2019)
08/20/2019	<u>18</u>	ORDER REFERRING CASE to Magistrate Judge Hon. Marian W. Payson. Signed by Hon. Michael A. Telesca on 8/20/19. (JMC) (Entered: 08/20/2019)
09/06/2019	<u>19</u>	ORDER (Scheduling Conference set for 11/6/2019 10:40 AM before Hon. Marian W. Payson.) Signed by Hon. Marian W. Payson on 9/6/2019. (KAH) (Entered: 09/06/2019)
10/31/2019	<u>20</u>	DISCOVERY PLAN by Animal Welfare Institute, Farm Sanctuary.(Lawton, William) (Entered: 10/31/2019)
11/06/2019	<u>21</u>	Minute Entry for proceedings held before Hon. Marian W. Payson: Scheduling Conference held on 11/6/2019. Appearances: William N. Lawton, Esq. by telephone, Kathryn L. Smith, AUSA (CAM) (Entered: 11/08/2019)
11/07/2019	<u>22</u>	CONSENT to Jurisdiction by US Magistrate Judge. Case reassigned to Magistrate Hon. Marian W. Payson. Signed by Hon. Michael A. Telesca on 11/7/2019. (KAH) (Entered: 11/08/2019)
11/08/2019	<u>23</u>	ORDER Defendants shall filed their motion for summary judgment by 1/31/2020. Plaintiffs' response, including any application for discovery, shall be filed by 3/31/2020. Defendants' reply shall be filed by 4/20/2020. Plaintiffs' reply shall be filed by 6/1/2020. Oral Argument set for 6/18/2020 at 2:00 PM before Hon. Marian W. Payson. Signed by Hon. Marian W. Payson on 11/8/2019. (KAH) (Entered: 11/08/2019)